

Application for Appeal

City of Vernon
Department of Code Enforcement
1725 Wilbarger Street Vernon, TX 76384
940-552-2581, 940-552-0569 (fax)

Type of Appeal (Please check only one)

☐ Code Enforcement Officer Interpretation Request/Variance Appeal¹ (\$100 application fee)

☐ Planning and Zoning Commission Decision² (\$100 application fee)

Date Decision Rendered _____

Decision Appealed _____

Name of Applicant _____

Signature _____ Date _____

Address _____

Telephone (Home) _____ (Work) _____

(cell) _____

E-mail address _____

Appeal Statement _____

(Please finish on separate sheet or attach appeal letter, etc. to application.)

1. Ord. 1086 Sec. 501.3

A. Interpretation Request; Variance Appeal

A request for interpretation of regulations or an appeal for variance from Development Controls may be taken by any person aggrieved or by any officer, department, or board of the City affected by the decision of the Enforcing Officer. Such appeal shall be taken within **fifteen (15) days** time after the decision has been rendered, by filing with both the Enforcing Officer and the Board of Adjustment a notice of appeal specifying the grounds thereof. The Enforcing Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and will notify City Manager and City Attorney.

B. Stay of Proceedings

An appeal shall stay all proceedings of the action appealed from unless the Enforcing Officer, after the notice of appeal has been filed with him, certifies to the Board that, by reason of facts stated in his certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed except by a restraining order which may be granted by the Board of Adjustment or by court of record on application and notice to the Enforcing Officer from who the appeal is taken.

C. For of Appeal or Application

The appeal or application shall be in such form and shall contain such information as the Board of Adjustment may require under its Rules of Procedure. It shall be accompanied by the required minimum fee. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the Board and shall not be reviewed or scheduled for hearings until brought to completion.

D. Notice of Hearing

Official written notice of public hearings on every application for a variance or special exception or for an interpretation of regulations applying solely to an individual property shall be sent to all owners of property, or the person rendering the same for taxes, affected by such application, located within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice shall be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, in the United States Mail. Notice of hearing on requests for interpretation of regulations applying to more than one property and ownership shall be given by means of a general notice as provided in Section 501.4.

2. Ord. 1086 Sec.403.1.D.3

An appeal from the decision of the Planning and Zoning Commission may be taken whenever any interested party is aggrieved by the action of the Planning and Zoning Commission on a specific proposal. Such appeal shall show that the Planning and Zoning Commission either 1) has been prejudice in its deliberation, or 2) has not been given the opportunity to consider certain information because it could not have been made available to the Planning and Zoning Commission at the time of its public hearing. The following procedure shall be required.

a. The aggrieved party shall reduce his appeal to writing stating specifically how, in his opinion, the Planning and Zoning Commission committed error. He shall file his appeal with the City Secretary and the Planning and Zoning Commission within **thirty (30) days** following the Planning and Zoning Commission action. The City Secretary shall forward the appeal to the City Commission with the regular report of Planning and Zoning Commission action on the subject proposal.

b. Upon receipt of written appeal, the City Commission shall determine whether or not the Planning and Zoning Commission committed error. If the City Commission concludes that certain previously unavailable information should be considered by the Planning and Zoning Commission, it may refer the original proposal and the appeal for a new hearing, new report and recommendation. If the City Commission concludes that Planning and Zoning Commission prejudice prevents a fair hearing or recommendation, the City Commission may schedule its own hearing on the original proposal and recommendation.

(For City Use Only)

Application Number _____ Approved by _____ Date _____

Fee paid _____ By _____ In the amount of _____